

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNIVERSAL SECURITY, INC.

and

**Cases 13-CA-178494
13-CA-182708**

**SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 1**

ORDER

The Respondent's Motion for Partial Summary Judgment with respect to the complaint allegations relating to the Respondent's revised uniform and lanyard policy is denied. The Respondent has failed to establish that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law.¹ This denial is without prejudice to the Respondent's right to renew its arguments to the administrative law judge and before the Board on any exceptions that may be filed to the judge's decision, if appropriate.

Dated, Washington, D.C., April 3, 2017

PHILIP A. MISCIMARRA, ACTING CHAIRMAN

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

¹ Acting Chairman Miscimarra agrees with the denial of the Respondent's motion as stated in the Board's Order. As he stated in *L'Hoist North America of Tennessee, Inc.*, 362 NLRB No. 110, slip op. at 3 (2015) (concurring), "[I]n response to a motion for summary judgment, I believe that the General Counsel at least must explain in reasonably concrete terms why a hearing is required. Under the standard that governs summary judgment determinations, this will normally require the General Counsel to identify material facts that are genuinely in dispute." See also *Leukemia & Lymphoma Society*, 363 NLRB No. 124, slip op. at 2 (2016) (Member Miscimarra, dissenting). In the instant case, the General Counsel's opposition has explained in extensive detail why, based on material facts that are genuinely in dispute, a hearing is required.